



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,973	01/15/2002	Jun Nagasawa	S004-4521	5925

7590 03/08/2005

ADAMS & WILKS
31st Floor
50 Broadway
New York, NY 10004

EXAMINER

QUELER, ADAM M

ART UNIT	PAPER NUMBER
----------	--------------

2179

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,973

Applicant(s)

NAGASAWA, JUN

Examiner

Adam M Queler

Art Unit

2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 05/24/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: Application filed 01/15/2002, Preliminary Amendment filed 05/30/2003, and Information Disclosure Statement filed 05/24/2004.
2. Claims 1-19 are pending in the case. Claims 1 and 13 are independent claims.

Priority

3. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in JAPAN on 01/24/2001. It is noted, however, that applicant has not filed a certified copy of the 2001-016297 application as required by 35 U.S.C. 119(b).

Drawings

4. Figure 3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Objections

6. Claim 10 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 10 recites almost the same limitations as claim 2 from which the claim depends. Claim 10 eliminates "digits" from the language of claim 2, however, does not contain further limiting language as to alter the scope of the claim.

Double Patenting

7. Applicant is advised that should claim 6 be found allowable, claim 9 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k). Claim 2 recites similar limitations to claim 9. Claim 6 recites similar limitations to claim 5. Since claim 6 depends on claim 2, and claim 9 depends on claim 5, claims 6 and 9 have the same scope.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2179

9. Claims 1, 2, 4 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll (EP000585192A3, published 3/2/1994), and further in view of Winer (US005796401A, published 8/18/1998).

Regarding independent claim(s) 1, Carroll teaches a display monitor for displaying an image (Fig. 1) and items in a list (Fig. 2). Carroll teaches a dragging and dropping an item to a desired position and attaching the item to existing group (col. 6, ll. 35-49). Carroll does not explicitly disclose group editing. Winer discloses group editing of the items (col. 3, ll. 13-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Carroll and Winer to eliminate the time consuming task of editing items one at a time (Winer, col. 2, ll. 40-50).

Regarding dependent claim(s) 2, Carroll does not explicitly disclose group editing. Winer discloses group editing of the items, including character position alignment (col. 3, ll. 18-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Carroll and Winer to eliminate the time consuming task of editing items one at a time (Winer, col. 2, ll. 40-50).

Regarding dependent claim(s) 4, Carroll does not explicitly disclose group editing. Winer discloses group editing of the items, including position adjustment (col. 3, ll. 18-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Carroll and Winer to eliminate the time consuming task of editing items one at a time (Winer, col. 2, ll. 40-50).

Regarding independent claim(s) 13, Carroll teaches a display monitor for displaying an image (Fig. 1) and individually selectable items in a list (Fig. 2). Carroll teaches a dragging and

Art Unit: 2179

dropping an item to a desired position and attaching the item to existing group (col. 6, ll. 35-49).

Carroll does not explicitly disclose group editing. Winer discloses group editing of the items (col. 3, ll. 13-17). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Carroll and Winer to eliminate the time consuming task of editing items one at a time (Winer, col. 2, ll. 40-50).

10. Claims 3, 5-12 and 14-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carroll and Winer, and further in view of Applicant's Admitted Prior Art.

Regarding dependent claim(s) 3, Carroll does not explicitly disclose group editing. Winer discloses group editing of the items' attributes, including color (col. 8, ll. 27-38). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Carroll and Winer to eliminate the time consuming task of editing items one at a time (Winer, col. 2, ll. 40-50).

Winer does not explicitly disclose fonts. Applicant admits the font was a display attribute to be changed in the prior art (p. 3, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to group edit the font rather than editing each item individually in order to save time (Winer, col. 2, ll. 40-50).

Regarding dependent claim(s) 5-8, Neither Carroll nor Winer explicitly discloses analysis reports. Applicant admits an analysis report including a title and contents were well-known in the prior art. It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the obvious group editing of item (as explained in the rejections above) to analysis reports as they were a well-known type of document and would benefit from the group timesaving features of group editing (Winer, col. 2, ll. 40-50).

Art Unit: 2179

Regarding dependent claim(s) 9-12, Carroll does not explicitly disclose group editing. Winer discloses group editing of the items, including character position alignment (col. 3, ll. 18-20). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Carroll and Winer to eliminate the time consuming task of editing items one at a time (Winer, col. 2, ll. 40-50).

Regarding dependent claim(s) 14, Carroll and Winer teach selectable items as described in claim 13 above. Neither Carroll nor Winer explicitly discloses analysis reports. Applicant admits an analysis report was well-known including characteristics of a sample and descriptive parameters (Fig. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the obvious group editing of item (as explained in the rejections above) to analysis reports as they were a well-known type of document and would benefit from the group timesaving features of group editing (Winer, col. 2, ll. 40-50).

Regarding dependent claim(s) 15, Carroll and Winer teach selectable items as described in claim 13 above. Neither Carroll nor Winer explicitly discloses analysis reports. Applicant admits an analysis report was well-known including measurement parameters (Fig. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to extend the obvious group editing of item (as explained in the rejections above) to analysis reports as they were a well-known type of document and would benefit from the group timesaving features of group editing (Winer, col. 2, ll. 40-50).

Regarding dependent claim(s) 16, Carroll and Winer teach selectable items as described in claim 13 above. Neither Carroll nor Winer explicitly discloses analysis reports. Applicant admits an analysis report was well-known including sample names and analysis dates (Fig. 3). It

Art Unit: 2179

would have been obvious to one of ordinary skill in the art at the time of the invention to extend the obvious group editing of item (as explained in the rejections above) to analysis reports as they were a well-known type of document and would benefit from the group timesaving features of group editing (Winer, col. 2, ll. 40-50).

Regarding dependent claim(s) 17, Carroll and Winer teach selectable items as described in claim 13 above. Carroll does not specifically mention a menu bar with a menu to change display attributes. Winer teaches menu in a menu bar to change display attributes (Fig. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Carroll and Winer in order to provide an interface for changing attributes (Winer, col. 5, ll. 35-40).

Regarding dependent claim(s) 18, Carroll and Winer teach selectable items as described in claim 13 above. Carroll does not specifically mention a menu bar with a menu to change display attributes. Winer teaches menu in a menu bar to change display attributes (Fig. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Carroll and Winer in order to provide an interface for changing attributes (Winer, col. 5, ll. 35-40). Neither Carroll nor Winer explicitly disclose font or color as the attributes. Applicant admits font and color were display attributes to be changed in the prior art (p. 3, line 2). It would have been obvious to one of ordinary skill in the art at the time of the invention to group edit the font and color rather than editing each item individually in order to save time (Winer, col. 2, ll. 40-50).

Regarding dependent claim(s) 19, Carroll and Winer teach selectable items as described in claim 13 above. Carroll does not specifically mention a menu bar with a menu to change display

Art Unit: 2179

attributes. Winer teaches menu in a menu bar to change display attributes, including alignment (Fig. 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Carroll and Winer in order to provide an interface for changing attributes (Winer, col. 5, ll. 35-40).

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (571) 272-4140. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AQ


HEATHER R. HERNDON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100